

Executive Summary – Enforcement Matter – Case No. 41582
Bilma Public Utility District
RN101917433
Docket No. 2011-0683-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Bilma PUD, located at 5500 Winding Ridge approximately 8,000 feet northeast of the intersection of Louetta Road and Stuebner-Airline Road, and 11,000 feet southeast of the intersection of Spring Cypress Road and Stuebner-Airline Road, Houston, Harris County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 19, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$990

Amount Deferred for Expedited Settlement: \$198

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$792

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 41582
Bilma Public Utility District
RN101917433
Docket No. 2011-0683-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 14, 2011

Date(s) of NOE(s): April 28, 2011

Violation Information

Failed to comply with permitted effluent limits for ammonia nitrogen and total suspended solids [Texas Pollutant Discharge Elimination System Permit No. WQ0012025002, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that by March 31, 2011, the Respondent returned to compliance with all permitted effluent limitations by treating the Beggiatoa bacteria that bloomed at the Facility by:

- a. Increasing the chlorine levels and the air and the revolution rate to the rotating biological contactor units (“RBCs”);
- b. Returning sludge from the clarifier to the head of the RBC treatment chamber to create a mixed liquor; and
- c. Draining and removing sediment from the RBC basin and treating the walls of the RBC basin.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Executive Summary – Enforcement Matter – Case No. 41582
Bilma Public Utility District
RN101917433
Docket No. 2011-0683-MWD-E

Respondent: John P. Chamberlain, President, Bilma Public Utility District, 1001 McKinney, Suite 1000, Houston, Texas 77002
Howard Wilhite, Vice President of Environmental Compliance and Construction, Bilma Public Utility District, 1001 McKinney, Suite 1000, Houston, Texas 77002
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	2-May-2011	Screening	5-May-2011	EPA Due	
	PCW	11-May-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	Bilma Public Utility District		
Reg. Ent. Ref. No.	RN101917433		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	41582	No. of Violations	1	
Docket No.	2011-0683-MWD-E	Order Type	1660	
Media Program(s)	Water Quality	Government/Non-Profit	Yes	
Multi-Media		Enf. Coordinator	Cheryl Thompson	
		EC's Team	Enforcement Team 3	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	24.0% Enhancement	Subtotals 2, 3, & 7	\$240
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Notes: Enhancement for four months of self-reported effluent violations and two NOV's with dissimilar violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$250
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$610
Approx. Cost of Compliance \$49,505

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$990
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$990
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$990
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DEFERRAL	20.0% Reduction	Adjustment	-\$198
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$792
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Screening Date 5-May-2011

Docket No. 2011-0683-MWD-E

PCW

Respondent Bilma Public Utility District

Policy Revision 2 (September 2002)

Case ID No. 41582

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101917433

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 24%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for four months of self-reported effluent violations and two NOVs with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 24%

Screening Date 5-May-2011

Docket No. 2011-0683-MWD-E

PCW

Respondent Bilma Public Utility District

Policy Revision 2 (September 2002)

Case ID No. 41582

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101917433

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s)

Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012025002, Effluent Limitations and Monitoring Requirements No. 1, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a)

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on April 14, 2011. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels that are protective of human health or the environment. Total suspended solids was also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

61 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$250

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent returned to compliance by March 31, 2011.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$610

Violation Final Penalty Total \$990

This violation Final Assessed Penalty (adjusted for limits) \$990

Economic Benefit Worksheet

Respondent Bilma Public Utility District
Case ID No. 41582
Reg. Ent. Reference No. RN101917433
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$49,505	31-Dec-2010	31-Mar-2011	0.25	\$610	n/a	\$610

Notes for DELAYED costs

Actual cost to treat the Beggiatoa bacteria that infected the Facility by increasing chlorine levels, increasing the air and the revolution rate to the rotating biological contactor units ("RBCs"), by returning sludge from the clarifier to the head of the RBC treatment chamber to create a mixed liquor and by draining and removing sediment from the RBC basin and treating the walls. Date required is the month the first non-compliant excursion was documented. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$49,505

TOTAL

\$610

Effluent Limit Violation Table									
Parameter	Limit	Exceedance	Concentration	Location	Date	Time	Operator	Remarks	Corrective Action
BOD	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
SS	30 mg/l	35 mg/l	35 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Ammonia	1.0 mg/l	1.2 mg/l	1.2 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Phosphate	0.5 mg/l	0.6 mg/l	0.6 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Chloride	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Sulfate	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Calcium	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Magnesium	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Iron	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Copper	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Zinc	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Lead	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Mercury	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Chromium	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Nickel	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Manganese	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Selenium	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Fluoride	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Chlorine	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Bromine	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Iodine	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Barium	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Strontium	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Vanadium	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Antimony	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Thallium	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Lead	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Cadmium	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Chromium	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Nickel	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Manganese	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Selenium	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Fluoride	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Chlorine	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Bromine	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Iodine	100 mg/l	105 mg/l	105 mg/l	Station 1	10/10/2010	10:00	John Doe	Exceedance	Investigate cause
Barium	100 mg/l								

Respondent Bilma Public Utility District

ID Number(s)	TPDES Permit No. WQ0012025002
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Docket Number 2011-0683-MWD-E

Enf. Coordinator	Cheryl Thompson
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Corresponds to Violation Number: 1

1

EFFLUENT PARAMETER

EFFLUENT PARAMETER	Permit Limit
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[illegible]

Compliance History

Customer/Respondent/Owner-Operator:	CN601047723	Bilma Public Utility District	Classification: AVERAGE	Rating: 0.13
Regulated Entity:	RN101917433	BILMA PUD	Classification: AVERAGE	Site Rating: 0.13
ID Number(s):	WASTEWATER	PERMIT		WQ0012025002
	WASTEWATER	EPA ID		TX0077941
	WASTEWATER LICENSING	LICENSE		WQ0012025002
Location:	located at 5500 Winding Ridge approximately 8,000 feet northeast of the intersection of Louetta Road and Stuebner-Airline Road, and 11,000 feet southeast of the intersection of Spring Cypress Road and Stuebner-Airline Road in Houston, Harris County, Texas			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	May 05, 2011			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	May 05, 2006 to May 05, 2011			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Cheryl Thompson		Phone:	(817) 588-5886

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	06/08/2010	(439474)
2	06/21/2006	(503248)
3	09/29/2006	(525613)
4	09/29/2006	(525614)
5	09/29/2006	(525615)
6	03/09/2007	(585547)
7	03/09/2007	(585548)
8	03/09/2007	(585549)
9	03/09/2007	(585550)
10	03/09/2007	(585551)
11	07/11/2007	(623745)
12	07/11/2007	(623746)
13	07/11/2007	(623747)
14	07/11/2007	(623748)
15	07/11/2007	(623749)
16	08/23/2007	(623750)
17	09/24/2007	(623751)
18	10/10/2007	(623752)

19	11/07/2007	(623753)
20	04/06/2008	(674969)
21	04/06/2008	(674970)
22	04/06/2008	(674971)
23	07/14/2008	(683132)
24	06/06/2008	(693311)
25	06/06/2008	(693312)
26	06/06/2008	(693313)
27	06/06/2008	(693314)
28	07/24/2008	(693315)
29	07/24/2008	(693316)
30	08/25/2008	(714555)
31	09/10/2008	(714556)
32	10/14/2008	(714557)
33	11/18/2008	(730524)
34	01/15/2009	(730525)
35	02/13/2009	(753725)
36	03/10/2009	(753726)
37	04/14/2009	(753727)
38	12/16/2008	(753728)
39	05/12/2009	(771140)
40	06/12/2009	(771141)
41	11/06/2009	(780859)
42	02/11/2010	(813297)
43	07/15/2009	(813298)
44	08/19/2009	(813299)
45	09/14/2009	(813300)
46	10/16/2009	(813301)
47	11/13/2009	(813302)
48	12/17/2009	(813303)
49	01/13/2010	(813304)
50	03/11/2010	(833899)
51	04/14/2010	(833900)
52	05/13/2010	(833901)
53	07/30/2010	(841714)
54	06/14/2010	(847199)
55	07/14/2010	(861657)
56	08/19/2010	(868012)
57	09/15/2010	(874958)
58	10/18/2010	(882564)
59	11/15/2010	(888992)
60	12/15/2010	(897351)
61	01/17/2011	(903245)
62	02/18/2011	(910165)
63	04/29/2011	(912750)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	04/30/2007	(623748)	CN601047723
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

Date: 08/31/2007 (674969) CN601047723
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 07/14/2008 (683132) CN601047723
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)
 Description: Failure to provide a National Institute of Standards and Technology (NIST) traceable thermometer in the composite sampler refrigerator.

Date: 06/08/2010 (439474) CN601047723
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Description: Failure to provide at least two blowers in operational condition. At the time of the investigation, only one blower for the digester/chlorine contact basin was operational.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
 Description: Failure to maintain the composite sampler at 6 degrees C. The composite sampler temperature was 7.5 degrees C at the time of the investigation. The temperature of the composite sampler must be maintained at or below 6 degrees C and greater than 0 degrees C.

Date: 12/31/2010 (903245) CN601047723
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2011 (910165) CN601047723
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BILMA PUBLIC UTILITY
DISTRICT
RN101917433**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2011-0683-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Bilma Public Utility District ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located at 5500 Winding Ridge approximately 8,000 feet northeast of the intersection of Louetta Road and Stuebner-Airline Road, and 11,000 feet southeast of the intersection of Spring Cypress Road and Stuebner-Airline Road in Houston, Harris County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch.26
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 3, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Nine Hundred Ninety Dollars (\$990) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Hundred Ninety-Two Dollars (\$792) of the administrative penalty and One Hundred Ninety-Eighty Dollars (\$198) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that by March 31, 2011, the Respondent returned to compliance with all permitted effluent limitations by treating the Beggiatoa bacteria that bloomed at the Facility by:
 - a. Increasing the chlorine levels and the air and the revolution rate to the rotating biological contactor units ("RBCs");
 - b. Returning sludge from the clarifier to the head of the RBC treatment chamber to create a mixed liquor; and
 - c. Draining and removing sediment from the RBC basin and treating the walls of the RBC basin.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limits, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012025002, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on April 14, 2011 and shown in the table below.

	NH3-N Daily Average Concentration	NH3-N Daily Maximum Concentration	TSS Daily Average Concentration
<i>Month/Year</i>	3 mg/L	10 mg/L	15 mg/L
December 2010	5.82	12.5	15.22
January 2011	6.74	10.9	c

c= compliant mg/L=milligrams per liter
TSS= total suspended solids NH₃N= ammonia nitrogen

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Bilma Public Utility District, Docket No. 2011-0683-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1)

enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

R. D. Hyde
For the Executive Director

10/6/11
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

John P. Chamberlain
Signature

July 7, 2011
Date

John P. Chamberlain
Name (Printed or typed)
Authorized Representative of
Bilma Public Utility District

President
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.